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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,756	07/15/2003	Hagen Eck	09282.0049-00	7390
60668 7590 04/27/2010 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
SAADAT, CAMERON				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
04/27/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/619,756

**Applicant(s)**

ECK ET AL.

**Examiner**

CAMERON SAADAT

**Art Unit**

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-41, 44-51, 54-61 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-41, 44-51, 54-61 and 64-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In response to remarks filed 1/12/2010, claims 38-41, 44-51, 54-61, and 64-70 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corn et al. (US 6,987,945; hereinafter Corn) in view of Lotvin et al. (US 5,907,831; hereinafter Lotvin)**

Regarding claims 38, 48, and 58, Corn discloses a computerized method and system for providing access to an electronic course ( links to other web pages 8, 10, 12) hosted by a system (initial web page 6), comprising: receiving from a server, metadata for a course catalog from the external system; wherein the server sends the course catalog to the client device; presenting the course catalog to a user of the server, wherein the course catalog includes a course description; receiving a user selection of a course;

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communicating with the external system to provide the user access to the course (See Col. 7, lines 50-61; Col. 11, lines 4-53); the server transmitting a track command to the external system for tracking the user activity with the course; receiving a response to the track command indicating an amount of time the user spent viewing material in the course. See Col. 11, lines 28-36. Corn additionally discloses the newly claimed feature of receiving at the client device of a course from the course catalog and sending the selection to the server to retrieve the selected course. For example, Corn discloses "a web browser operating on an electronic client device interfaced with a network retrieves the initial web page of an educational provider's website. The initial web page contains references to other web pages containing educational content. A user of the electronic device selects and retrieves one of the other web pages containing educational content the user is interested in reviewing. See Col. 3, lines 10-25. Corn discloses links to web pages 8, 10, and 12, but does not explicitly disclose that these web pages could be hosted by an external web server. However, Lotvin teaches a computerized educational course wherein the educational content is provided by a third party content provider. See Lotvin, Fig. 5A, ref. 500, 510, 511. Therefore, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational content described in Corn, by providing an external third party content provider, such that various organizations can use the system for particular educational applications.

Regarding claims 39, 49, and 59, Corn discloses a register command that registers a user with the external system. See Fig. 5, register link.

Regarding claims 40, 50, and 60, Corn discloses an enroll command that enrolls the user in a course. See Col. 7, lines 56-59.

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Regarding claims 41, 51, and 61 Corn discloses a step of communicating comprising: transmitting a launch command that launches the course. See Fig. 3, refs. 50, 52.

Regarding claims 44, 54, and 64, Corn discloses content of courses hosted by an external system that are stored in servers maintained by the external system 6. See Col. 11, lines 40-45.

Regarding claims 45, 55, and 65, Corn discloses content of the courses displayed on client device 16 in response to a launch command. See Col. 7, lines 3-21.

Regarding claims 46, 56, and 66, Corn discloses a step of communicating including: transmitting commands from the server to the external, system and receiving replies from the external system to the server. See Col. 11, lines 28-36.

Claims 68-70 are rejected for the reasons set forth above with respect to claims 38-41 and 44-46.

**Claims 47, 57, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corn (US 6,987,945) in view of Lotvin, further in view of Linderman (US 2002/0032790)**

Corn discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of transmitting commands in accordance with simple object access protocol (SOAP). However, Linderman teaches an object-oriented communications system over the Internet which utilizes SOAP protocol. See Linderman, paragraph 19. Thus, in view of Linderman, it would have been obvious to one of

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ordinary skill in the art to modify the protocol described in Corn, by providing SOAP protocol in order to allow easier communication behind proxies and firewalls.

***Response to Arguments***

Applicant's arguments filed 1/12/2010 have been fully considered but they are not persuasive. Applicant argues that Lotvin's central computer does not receive anything from the third party provider and accordingly cannot teach or suggest "receiving, at a server, metadata defining a course catalog from the external system. Applicant additionally emphasizes that Corn's applet cannot constitute the claimed "track command" because it is not "transmitted...to the external system". Applicant further argues that Lotvin does not transmit a track command to the third party provider.

The Examiner respectfully disagrees for the following reasons:

The standard of patentability is what the prior art, taken as a whole, suggests to an artisan at the time of the invention. *In re Merck & Co., Inc.*, 800 F.2d 1091,1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The question is not only what the references expressly teach, but what they would collectively suggest to one of ordinary skill in the art. *In re Simon*, 461 F.2d 1387, 1390, 174 USPQ 114, 116 (CCPA 1972).

Corn discloses a computerized method and system for providing access to an electronic course ( links to other web pages 8, 10, 12) hosted by a system (initial web page 6), comprising: receiving from a server, metadata for a course catalog from the external system; wherein the server sends the course catalog to the client device; presenting the course catalog to a user of the server, wherein the course catalog includes a course description; receiving a user selection of a course; communicating with the external system to provide the user access to the course (See Col. 7, lines 50-61; Col. 11,

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lines 4-53); the server transmitting a track command to the external system for tracking the user activity with the course; receiving a response to the track command indicating an amount of time the user spent viewing material in the course. See Col. 11, lines 28-36.

Corn additionally discloses the claimed feature of receiving at the client device of a course from the course catalog and sending the selection to the server to retrieve the selected course. For example, Corn discloses "a web browser operating on an electronic client device interfaced with a network retrieves the initial web page of an educational provider's website. The initial web page contains references to other web pages containing educational content. A user of the electronic device selects and retrieves one of the other web pages containing educational content the user is interested in reviewing. See Col. 3, lines 10-25. *Corn discloses links to web pages 8, 10, and 12, but does not explicitly disclose that these web pages could be hosted by an external web server.*

However, Lotvin teaches a computerized educational course wherein the educational content is provided by a third party content provider. See Lotvin, Fig. 5A, ref. 500, 510, 511. Therefore, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational content described in Corn, by providing an external third party content provider, such that various organizations can use the system for particular educational applications.

Thus, the Examiner does not rely on Lotvin for the claimed feature of "receiving at a sever, metadata defining a course catalog" since the primary reference discloses these features. Instead, it is the Examiner's position that *Corn discloses links to web pages 8, 10, and 12, but does not explicitly disclose that these web pages could be hosted by an external web server.* However, Lotvin teaches a computerized educational course

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wherein the educational content is provided by a third party content provider. See Lotvin, Fig. 5A, ref. 500, 510, 511. Therefore, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational content described in Corn, by providing an external third party content provider, such that various organizations can use the system for particular educational applications.

Accordingly, it is the Examiner's position is that the combination of Corn and Lotvin discloses all of the claimed subject matter.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/  
Primary Examiner, Art Unit 3715